IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 23RD MAY 2007 / 2ND JYAISHTA 1929

Crl.Rev.Pet.No. 701 of 1999(B)

CRA.38/1993 of SESSIONS COURT, MANJERI
CC.187/1992 of JUDL. MAGISTRATE OF FIRST CLASS, MALAPPURAM
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REVN. PETITIONER:

PUTHALATH RAMAN, S/O. NEELANDAN, NARUKARA AMSOM, DESOM, MANJERI, MALAPPURAM DISTRICT.

BY ADV. SRI.T.K.AJITH KUMAR

RESPONDENTS/COMPLAINANT:

STATE OF KERALA REPRESENTED BY THE CIRCLE INSPECTOR OF POLICE, MALAPPURAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.P. NO. 3115/1999 IN CRL. R.P. NO. 701/1999

DISMISSED

23.05.2007 SD/- K.R. UDAYABHANU, JUDGE.

/True Copy/

P.A to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 701 OF 1999 B

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Dated this the 23rd day of May 2007

O R D E R

The revision petitioner stands convicted for the offences under Section 279 and 304(A) IPC and sentenced to undergo rigorous imprisonment for six months for the offence under Section 279 IPC and to undergo rigorous imprisonment for 1 1/2 years for the offence under Section 304(A) IPC.

2. The prosecution case is that the accused being a driver of bus No. KLM 3094 on 04.12.1991, drove the same in a rash and negligent manner through Malappuram Tirur public road, hit the same on one Pathumma who was standing on the side of the road and that she died on the spot. The evidence adduced in the matter consisted of the testimony of PWs 1 to 13, Exts. P1 to P9 and MOs 1 to 7. The occurrence witnesses were examined and they have testified in support of the prosecution version. It is the case that the bus was driven in over speed and when attempted to over take a lorry the vehicle happened to hit on the victim who

was standing on the road side. It is also in evidence that the scene of occurrence is in a school zone and there was a sign board in this regard. The victim was thrown out to a distance of 25 metres. The scene mahazar mentions the spot as 25 metres away from the scene of occurrence. PWs 1 to 3 are the occurrence witnesses. They are not related to the victim. PW2 is a teacher and PW3 is a retired teacher. It can also be seen that there was also a tyre mark which is 140 cm. long. The same showed that the vehicle was driven in an over speed. In the circumstances, I find no reason to interfere in the findings of the courts below.

3. The conviction is confirmed. So far as the sentence is concerned, it is pointed out that the incident has taken place more than 15 years ago and that so far the accused was facing the criminal proceedings. It is also pointed out that he has got a grown up daughter and wife. In the circumstances and in view of the long delay, I find that the sentence is liable to be modified. In the result, the sentence imposed under Section 304(A) IPC is

modified to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- and in default to undergo simple imprisonment for six months. No separate sentence is awarded for the offence under Section 279 IPC. The revision petitioner is granted two months time from today onwards to remit the amount of compensation. The amount of compensation if remitted shall be paid to the legal representatives of the deceased. The revision petitioner shall appear before Judicial First Class Magistrate, Malappuram on **25.07.2007** to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

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